

HIGH COURT OF MADHYA PRADESH

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MCRC No.52083/20

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(Mahesh Vs. State of M.P.)

Indore, Dated : 19.1.2021

Shri Vishal Sharma, learned counsel for the applicant is present in person through Video Conferencing.

Shri Sagar Muley, learned Public Prosecutor for the non applicant/State is present in person through Video Conferencing.

Heard through video conferencing. Perused the case diary.

This is first application under Section 439 of Cr.P.C. for grant of bail. Applicant –Mahesh S/o Sakharam is implicated in Crime No.682/20 registered at Police Station – Excise Circle Sanawad, District Khargone for the offence punishable under Section 34(2) of the M.P. Excise Act and he is in custody since 6.12.2020.

As per the prosecution story, 63 bulk litre of illicit liquor has allegedly been seized from the custody of the present applicant.

Learned counsel for the applicant submits that the offence is triable by the Magistrate. He further submits that the applicant has no criminal antecedents and he has been falsely implicated in the present case. He further submits that the investigation is complete, Challan has been filed and trial is likely to take time.

Learned Public Prosecutor for the State was also heard who has opposed the application and has fairly submitted that the applicant has no criminal antecedents as per the case diary.

Considered.

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On due consideration of the aforesaid submissions, mainly those advanced by the learned counsel for the applicant, without commenting upon the merits of the case, this bail application is allowed and it is directed that **applicant–Mahesh S/o Sakharam** shall be released on bail upon his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **one solvent surety** in the like amount to the satisfaction of the concerned Trial Court/Committal Court for his regular appearance before the Trial Court/Committal Court on all dates of hearing as may be fixed in this behalf by the Court concerned during trial. It is also directed that the applicant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

A copy of this order be sent to the Court concerned for compliance.

M.Cr.C. No.52083/2020 is allowed and stands disposed of.

C.C. as per rules.

(Shailendra Shukla)
Judge

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